

**To:** Planning & Regulatory Committee  
**By:** Planning Development Manager

**Date:** 16 June 2021

**District(s)** WAVERLEY BOROUGH COUNCIL

**Electoral Division(s):**

Farnham Central

Mr MacLeod

**Case Officer:**

Jessica Darvill

**Purpose:** For Decision

**Grid Ref:** 487579 147529

**Title:** MINERALS/WASTE WA/2021/0004

**Summary Report**

**Land at Homefield Sandpit, Guildford Road, Runfold, Farnham, Surrey GU10 1PG**

**Continued use of workshop for use in repairing onsite plant, machinery and lorries without compliance with Conditions 1 and 2 of planning permission ref: WA11/0009 dated 7 April 2011 (as amended by planning application ref: WA/2020/1753 dated 11 December 2020) to extend the period of development.**

*The Homefield Sandpit is situated to the south of Seale Lane and Guildford Road, and west of Blighton Lane, Runfold and lies within the Metropolitan Green Belt, Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). Homefield Sandpit was an active mineral working which is due to be restored to agriculture. Mineral extraction has now ceased, and the site is undergoing restoration. In 1997 new modern conditions were issued for the site (ref: WA97/1204 and GU97/1106) as part of the Review of Minerals Permissions (ROMP) under the Environment Act 1995. Under the ROMP, the whole of the site is to be restored by 2042. This ROMP decision was appealed in 2000 (ref: M25/1/39) with the decision issued on 5 December 2000.*

*This application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act). Section 73 (s73) gives an express power to apply for planning permission for the development of land without complying with conditions attached to an earlier permission. As such, the development, subject to the s73, has been judged to be acceptable in principle at an earlier date under planning permission refs: WA11/0009 as amended by WA/2020/1753.*

*The purpose of this planning application is to seek an extension of time for the continued use of the workshop that is currently in place on site until the 22 February 2042, or until the permitted extraction, landfilling and restoration operations cease whichever is sooner. The workshop is used to repair plant, machinery and lorries on site which is essential to the efficiency of the site operations.*

*No objections have been received from technical consultees, however, Farnham Town Council, Seale and Sand Parish Council and Farnham Biodiversity Partnership have objected broadly on the grounds of breaches of conditions and for the need to restore the site at the earliest possible opportunity. Five letters of representation were received, which are also broadly concerned with the progression of restoration of the site. However, this particular application does not impede the restoration progress of the site and as stated above, the site has already been given a date*

of 2042 for cessation of operations and these facilities are essential to that site. It is also not considered that the workshop has significant adverse impact to the surrounding AONB or AGLV, given its context within the site, nor that it gives rise to unacceptable impacts on surrounding amenity, given its location within the site and the screening with adjacent properties.

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**The recommendation is to PERMIT subject to conditions.**

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## Application Details

### Applicant

Chambers Runfold

### Date application valid

17 December 2020

### Period for Determination

18 March 2021, agreed extension of time until 30 June 2021

### Amending Documents

None.

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## Summary of Planning Issues

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

Issue	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Landscape Character and Visual Amenity – <i>Area of Outstanding Natural Beauty and Area of Great Landscape Value</i>	Yes	41-56
Landscape Character and Visual Amenity – <i>Landscape Character</i>	Yes	57-60
Impact on Residential Amenities	Yes	61-69
Implication on Green Belt	No	70-87

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## Illustrative material

Site Plan

Plan 1

Aerial Photographs

Aerial 1

## Site Photographs

Figure 1 - Workshop and Side Extension Viewing from North West *dated November 2020*

Figure 2 - Workshop and Side Extension Viewing from Western Side *dated November 2020*

Figure 3 - Workshop and Side Extension *dated November 2020*

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## Background

### Site Description

1. Homefield Sand Pit (the site) is situated to the south of Seale Lane (C20) and Guildford Road (C119), and west of Blighton Lane, Runfold and extends approximately 12.8 hectares (ha). The site's north western boundary adjoins the former Jolly Farmer Quarry with the site's south western boundary being formed by vegetation surrounding the residential property Dene Way. The site's southern boundary is with residential properties in Furze Hill. The site lies within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty (AONB), an Area of Great Landscape Value (AGLV). There are no other environmental designations close to the site, the nearest one being Farnham Golf Course Site of Nature Conservation Importance (SNCI), which lies over 900 metres (m) to the south east. There are residential properties within close proximity of the application site area, along the Guildford Road and Seale Lane to the north and Furze Hill and Sands Road to the south. The site is well screened by existing vegetation protecting the visual amenity from nearby residential properties.
2. Homefield Sandpit is an active mineral working which is due to be restored to agriculture by February 2042. Sand reserves are now exhausted and extraction has ceased. The site has planning permission to operate part of the sandpit as an inert waste recycling facility (refs: WA04/1876 and WA09/08560 until December 2020 which form an integral part of the applicant's local waste operation.
3. The application site is an existing workshop which lies within Homefield Sand Pit site in the north west part of the site. To the north of the workshop lies Homefield Sandpit's car park for staff and visitors. To the immediate north east of the application site lies the office and weighbridges. Extending to the south of the application site lies the recycling facility formed of a mobile plant and press building. To the south east of the workshop are three storage bays. Beyond the storage bays and recycling area lies the mineral working pit, which is partly restored. The western boundary of the application site is formed by existing vegetation with residential properties beyond. The nearest residential property is approximately 25 metres (m) from the workshop, in an elevated position (approximately 5 metres). Tall evergreen trees surround the workshop along the western and northern boundaries.
4. The application site is a workshop which was permitted under planning permission ref: GU02/1496 and WA02/1329 which replaced a smaller workshop on site. The larger workshop was required to accommodate the larger machinery used as part of the operations at Homefield Sandpit. The existing workshop measures 25m x 16m (400 square metres (m<sup>2</sup>) of floor space) and 8.46m in height to the ridge. The workshop is made of external plastisol and coated galvanised steel sheets in goosewing grey. The current permission (ref: WA11/0009) allows the workshop to be in use up until the 31 December 2020. A physical extension was added onto the eastern side of the workshop to provide essential welfare facilities for site employees (granted under planning permission ref: WA06/1894 dated 1 November 2006).
5. Infilling of Homefield Sandpit is currently taking place in the main part of the site, concentrating on the eastern boundary. As part of the planning permission for the restoration scheme, the Environment Agency imposed a requirement to provide an engineered clay seal

around the whole of the main site. The clay barrier has so far been constructed along the whole length of the boundary with Blighton Lane, around Sandbach and part of Seale Lane.

6. Homefield Sand Pit shares a common floor with the adjoining Jolly Farmer Sandpit to the west. The Jolly Farmer Sandpit has now largely been restored, apart from the site entrance infrastructure and land along the eastern boundary immediately adjoining Homefield Sandpit.

### Planning History

7. Homefield Sandpit has an extensive planning history. The predominant consents for mineral working (sand extraction) were originally granted in the 1950's. For the purpose of this report relevant planning history is as follows.
8. In 1997 new modern conditions were approved under ref: WA/97/1204 and GU97/1106 as part of the Review of Minerals Permission (ROMP) process introduced under the Environment Act 1995 in order to provide modern planning conditions for working of the site. Under the ROMP consent the whole site is to be restored by February 2042. The ROMP decision was appealed in relation to dust mitigation and stockpiling of materials on the area known as the 'west extension' and to do with the requirement that restoration be carried out in approved scheme (as amended by appeal decision M25/1/39).
9. Planning permission ref: GU01/1114 granted an extension for an area known as the Tennis Court area, which has now been worked and restored to final levels with the exception of the supporting batter and planted with trees.
10. In 2003 planning permission (ref: GU02/0490 and WA02/0445) was granted for a detailed drainage scheme and revised restoration and aftercare scheme.

### In connection to waste recycling and associated operational activities this involves:

11. In 2005 planning permission (ref: WA04/1876) was granted for the recycling, storage and export of 30,000 cubic metres (m<sup>3</sup>) of waste soils per year and also for the recovery of 15,000m<sup>3</sup> of concrete, hardcore and tarmacadam for export and processing off-site.
12. In February 2009, planning permission (ref: WA08/1866) was granted for the resiting of storage bays for the storage of imported limestone scalplings and their retention on site; and the installation of a wheelwash facility and resiting of existing wheel spinner, until 31 December 2020.
13. On 16 October 2009, planning permission (ref: WA09/0856) was granted for the temporary use of approximately 1.54ha of land for the screening and washing of inert waste, comprising: power screen; washing plant; filter press building, associated tanks and equipment; conveyors and stockpile areas; underground ducting; storage bays and associated hardstanding areas.
14. On 16 February 2011, planning permission (ref: WA10/2108) was granted for continued temporary use of land for the overnight parking of up to eight vehicles until 31 December 2020.
15. On 17 February 2011, planning permission (ref:WA10/2109) was granted for continued temporary use of two storey extension to side of workshop to provide welfare facilities until 31 December 2020.
16. On 7 April 2011, planning permission (ref: WA11/0009) was granted for continued use of workshop for use in repairing on site plant, machinery and lorries until 31 December 2020.

## The Proposal

17. The application subject to this report is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act). Section 73 (s73) gives an express power to apply for planning permission for the development of land without complying with conditions attached to an earlier permission. As such, the development, subject to the s73, will have been judged to be acceptable in principle at an earlier date.
18. In this regard the application seeks consent for the continued use of the workshop for use in repairing onsite plant, machinery and lorries without compliance with Conditions 1 and 2 of planning permission ref: WA11/0009 dated 7 April 2011 (as amended by planning application ref: WA/2020/1753 dated 11 December 2020) to extend the time period of the development so it aligns with the date of 2042 or until the permitted extraction, landfilling and restoration operations cease, whichever is sooner. No alterations are proposed to the building.
19. Condition 1 of the consent (ref: WA11/0009 dated 7 April 2011) states:

The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

- Replacement Workshop Roof Plan Elevations, Drawing Number 1028-20 dated January 2003 and received on 12 February 2003 (submitted as part of application number GU02/0496 and WA02/1329)
- Replacement Workshop Ground Section, Drawing Number 1028-21 dated Feb 2003 and received on 21 February 2003 (submitted as part of application number GU02/0496 and WA02/1329).

*Reason: To ensure the permission is implemented in accordance with the terms of the application and to enable the County Planning Authority to exercise planning control over the development pursuant to the Surrey Minerals Local Plan 1993 Policy 1, Surrey Waste Plan 2008 Policies CW6, DC2 and DC3 and the Waverley Borough Local Plan 2002 Policies C1, C3 and D1.*

20. Condition 2 of the consent (ref: WA11/0009 dated 7 April 2011) states:

This permission shall be for a limited period expiring on 31 December 2020 or until the permitted extraction, landfilling and restoration operations cease whichever is sooner. At that time the use of the building as a workshop shall cease and the building shall be removed from the site, and the land restored in accordance with the approved restoration scheme for the site.

*Reason: To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Policy 1 of the Surrey Minerals Local Plan 1993 and Policy CW6 of the Surrey Waste Plan 2008.*

21. The applicant is seeking an extension of time to align with the permission of the final restoration of the site until the 22 February 2042, or until the permitted extraction, landfilling and restoration operations cease whichever is sooner, with the land restored in accordance with the approved restoration scheme on site. The workshop provides a covered space where plant and machinery which are used as part of the ongoing restoration of Homefield Sandpit site alongside plant used for the waste activities at the site, can be repaired and maintained. This application does not seek to modify either the building or activities that are carried out in the workshop but to retain it on site for an extended period of time. Retention

of the workshop would not generate new capacity or development at the site or increase vehicle movements associated with activities.

22. Section 73 of the 1990 Act makes clear that in considering a s73 planning application, the County Planning Authority (CPA) shall consider only the question of the conditions subject to which planning permission should be granted, the s73 must be determined according to the current development plan and other material considerations. Therefore, the key issues to consider are whether the proposed variations to Conditions 1 and 2 of the planning consent would result in an adverse impact on amenity or the environment.
23. Accordingly the applicant has submitted details of the need for the existing workshop to be maintained within its location of the Green belt and Area of Outstanding Natural Beauty (AONB), as well as providing a supporting statement with regards to impact to local communities and the environment.
24. In seeking variation to Conditions 1 and 2 of the consent, the applicant has proposed that Condition 1 be reworded to include new plans and drawings of the workshop building and that Condition 2 be amended to insert a new date for when the workshop should be removed aligning it with the 2042 date or until the permitted extraction, landfilling and restoration operations cease whichever is sooner.

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## **Consultations and Publicity**

### ***District Council***

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|-------------------------------|--|
| 25. Waverley Borough Council  | No objection, subject to appropriate conditions to ensure that the land is restored in accordance to approved restoration scheme and no adverse harm to visual or residential amenity. |
| 26. Guildford Borough Council | No Comment.  |

### ***Consultees (Statutory and Non-Statutory)***

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| 27. Landscape                              | No Objection, provided the facilities are all ancillary and fundamental to the ongoing landfill and restoration of the site. |
| 28. South East Water                       | No Response Received.  |
| 29. Thames Water                           | No Response Received.  |
| 30. Surrey Hills AONB Office               | No Objection.  |
| Parish/Town Council and Amenity Groups     |  |
| 31. Farnham Town Council                   | Objection, see below for comments.   |
| 32. Seale & Sands Parish Council           | Objection, see below for comments.   |
| 33. Seale, Sands & Runfold Amenity Society | No Response Received.  |
| 34. Tongham Parish Council                 | No Response Received.  |



**Farnham Town Council objection summarised as follows:**

- Priority to restore the site as soon as possible and not continue operations, the 2042 date is the latest possible date permitted for restoration.
- Stock piling of materials well above restoration levels. The material is suitable for landfill so progression of restoration should be priority due to the location of the site in the Green Belt, AONB and AGLV.
- An assessment of the void and materials to be undertaken to fully understand the extent of operation needed to restore the site in line with NPPF (2019) paragraph 205(e).
- Small scale recycling activities were only ever expected to provide landfilling and restoration following completion of sand extraction.
- Request for an updated restoration and site closure plan.

**Seale and Sands Parish Council objection summarised as follows:**

- Need for a thorough review of current site status, progress over the last 5 years towards final restoration and strategy for completion of landfilling and restoration to an appropriate quality before any extension of operations is considered.
- The proposal conflicts with NPPF (2019) Paragraph 205(e), and no consideration in line with this to conditions have been provided regarding restoration and aftercare.
- Breaches of permissions and conditions in place from the both the EA and the CPA (including overfilling), with no active enforcement action taken.
- Request for site closure / restoration plan
- Inconsistencies between CPA and the EA in terms of permitting documents with regards to waste storage on site and capacity from the recycling facility on site.
- Concern with flooding encountered within the Parish with excess water fed into Homefield, what plans are therefore controlling excess water in the future?

**Farnham Biodiversity Partnership objection summarised as follows:**

- The proposal conflicts with Section 1 of the NPPF (2019) regarding facilitating the sustainable use of minerals, and particularly paragraphs 204(h) 205(e).
- Issue raised that the ROMP review of 1997, consent for use of the site was extended to 2042 without public consultation and is not consistent with NPPF paragraph 205(e).
- Concern raised regarding progression towards restoration and site closure plan, raised the need to identify the earliest possible date for restoration.
- Concern raised over change of use from a mineral extraction and restoration to a recycling facility.
- Lack of control of activities on site particularly regarding breaches with overfilling.
- Noted that there is overfilling, particularly at the Eastern End and Tennis Court extension areas. Where trees were previously planted they have been covered by fill material.
- Raised issue that there is a lack of progression towards restoration, particularly given the locational context of the sit being in the AONB, AGLV and Green Belt.
- Restoration plans need to be updated to support restoration to current standards and to address current priorities, particularly regarding biodiversity and climate change.
- Request for a community liaison group.

*Officer's comments:* Whilst the Officer notes the objections raised by Farnham Town Council, Seale and Sands Parish Council and Farnham Biodiversity Partnership, the objections raised are not specific to the provision of the continued temporary use of the workshop on site which is to provide ancillary facilities to support the ongoing restoration of the site, but rather more broadly relate to the progression of the restoration and the materials on site. Regarding

breaches and overfilling and restoration of the site, this relates to the WA/97/1204 and GU97/1106 (as amended by appeal decision M25/1/39) and the respective conditions. There is ongoing site monitoring on site and the CPA are working proactively with the applicant regarding the restoration of the site and the submission of a periodic review with regards to the ROMP procedure. This application, however does not concern the breaches or agreed restoration levels of the site, rather concerns solely the continued siting of the temporary use of the workshop to provide ancillary facilities towards the restoration of the site.

#### Summary of publicity undertaken and key issues raised by public

36. The application was publicised by the posting of 2 site notices and an advert was placed in the Surrey Advertiser on 29 January 2021. A total of 68 of owner/occupiers of neighbouring properties were directly notified by letter. The site notices were erected on the 29 January 2021. To date 5 letters of representation have been received by the County Planning Authority (CPA).
37. The representations received can be summarised as follows:
- a) Concern that the proposal goes beyond the original use of the land in extracting aggregates and is developing into an industrial plant site for reprocessing waste.
  - b) Concern that the application is delaying the restoration of the site.
  - c) Concern about the impact this application has on the context of the local surroundings being an Area of Outstanding Natural Beauty (AONB); an Area of Great Landscape Value (AGLV); and the Metropolitan Green Belt.
  - d) Concern raised that sand extraction from the site has now ceased (some 5 years ago), and the approval of recycling activities (back in 2005) to support this disposal of inert waste as landfill as means of restoration, has led to the recycling activities becoming a dominant activity impacting the local surroundings (AONB; AGLV; and Green Belt) and maybe a change of use.
  - e) Issue raised that SCC has given prior approval for the removal of an expiry date as a Condition for these permissions as a Non-Material Amendment (NMA) without consultation with neighbouring properties.
  - f) In order to retain control of the operations being carried out at Homefield an early date should be included for expiry for the continued use of the workshop.
  - g) Paragraph 3.11 of the Planning Support Statement states that the closest residential property lies 60-70 metres to the north and south of the site. This is incorrect as there are properties to the east (off Guildford and Sands Road) that are much closer.
  - h) Noted that there is overfilling, particularly at the Eastern End and Tennis Court extension areas. Where trees were previously planted they have been covered by fill material. Restoration of the Western extension has not been complete with little / no screening bund at the southern boundary fronting properties in Furze Hill.
  - i) Issues of ongoing planning breaches regarding overfilling and trees covered by infill.
  - j) Issue raised concerning contradiction with the National Planning Policy Framework (NPPF) Section 1 of 'Facilitating the sustainable use of minerals' (in particular paragraphs 204(h) and 205(e) which require restoration of mineral sites at the earliest possible opportunity



- k) Issue raised that the ROMP review of 1997, consent for use of the site was extended to 2042 without public consultation and is not consistent with NPPF paragraph 205(e).

In regards to points (a), (b), (f), (j) and (k) these concerns relate to the principle of the development which was permitted under the parent permissions. A Review of Minerals Permission (ROMP) was undertaken under refs: WA/97/1204 and GU97/1106 in 1997 as part of the Review of Minerals Permission (ROMP) process introduced under the Environment Act 1995 in order to provide modern planning conditions for working of the site. Paragraph 186<sup>1</sup> of the National Planning Practice Guidance (NPPG) states that the only restrictions on planning conditions that may be imposed as part of the review of planning conditions is that all final applications must include a condition that the winning and working of minerals or depositing of mineral waste must cease no later than 22 February 2042. This date stems from earlier, not replaced, Minerals Planning Guidance 5. When ROMP application WA97/1204 and GU97/1106 was submitted to the County Planning Authority, it was within the applicant's ability to seek an end date for mineral working and restoration until February 2042 and this is what was given in Condition 2. Therefore, the end date to the working mineral permission for the site is 22 February 2042, and this proposal for the continued use of the workshop is to provide ancillary facilities to assist with the restoration of the site.

In regards to point (c) concerning the context of the location of the proposal, this is covered in detail within the relevant sections of this report including Green Belt and Landscape Character and Visual Amenity.

In regards to point (d) concerning recycling activities, this relates to the 2005 planning permission (ref: WA04/1876) which was granted for the recycling, storage and export of 30,000 cubic metres (m<sup>3</sup>) of waste soils per year and also for the recovery of 15,000m<sup>3</sup> of concrete, hardcore and tarmacadam for export and processing off-site, and therefore is not the subject of this planning application, regarding the continued provision of a workshop to provide ancillary facilities to assist with the ongoing restoration of the site.

In regards to point (e) concerning the non-material amendment (NMA) applications. As the National Planning Practice Guidance (NPPG) states, an application to make a non-material amendment is not a planning permission, thus the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, the Planning Authorities have discretion in whether and how they chose to inform other parties and seek their views. In terms of the NMAs, they addressed an amendment to the description of development to remove the end dates only, and Officers are mindful that the time limits remain intact on the existing planning permission conditions. Therefore, the planning permissions granted to the site, and the conditions attached to them, remain intact and publicity was not required.

In regards to point (g) concerning the location of nearby residential properties, this has been noted, however, the description of these distances relates to the recycling area which is not the subject area of this report. The impact of the workshop proposal is considered within the residential amenities section.

In regards to points (h) and (i) regarding breaches and overfilling and restoration of the site, this relates to the WA/97/1204 and GU97/1106 (as amended by appeal decision M25/1/39) and the respective conditions. There is ongoing site monitoring on site and the CPA are working proactively with the applicant regarding the restoration of the site and the submission of a periodic review with regards to the ROMP procedure. This application, however does not concern the breaches or agreed restoration levels of the site, rather concerns solely the continued siting of the workshop to provide ancillary facilities towards the restoration of the site.

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<sup>1</sup> Paragraph: 186 Reference ID: 27-186-20140306

## Planning Considerations

38. The guidance on the determination of planning applications, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
39. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Plan (2020), Surrey Minerals Plan and Core Strategy (2011), the Waverley Local Plan Part 1 (2018); Waverley Borough Local Plan 2002 (saved policies); and Farnham Neighbourhood Plan 2013-2032.
40. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory. In this case the main planning considerations are: the impact to the Green Belt, Area of Outstanding Natural Beauty (AONB), Area of Great Landscape Value, and adverse impact on amenity or the environment from the proposal.

## LANDSCAPE CHARACTER AND VISUAL AMENITY

### **Surrey Minerals Plan 2011 Core Strategy Development Plan Document (DPD) (SMP2011)**

Policy MC2 – Spatial Strategy – protection of Key Environmental Interests in Surrey

Policy MC14 – Reducing the Adverse Impacts of Mineral Development

### **Surrey Waste Plan 2020 Part 1 Policies**

Policy 14 – Protecting Communities and the Environment

### **Waverley Local Plan 2018 Part 1 Strategic Policies and Sites**

Policy RE3 – Landscape Character

### **Surrey AONB Management Plan 2020-2025**

Policy P1 – Planning Management Policies

Policy P6 - Planning Management Policies

### **Surrey Landscape Character Assessment (LCA) 2015**

Surrey Landscape Character Assessment Waverley Borough 2015

## *AREA OF OUTSTANDING NATURAL BEAUTY (AONB) and AREA OF GREAT LANDSCAPE VALUE (AGLV)*

### *Planning Policy*

41. The National Planning Policy Framework (NPPF) (2019) paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic

and other benefits of the best and most versatile agricultural land, and of trees and woodland.

42. Paragraph 172 of the NPPF goes on to state that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
43. The test within Paragraph 172 removes the presumption in favour of sustainable development as set out in paragraph 11 footnote 6 of the NPPF 2019. The test in paragraph 172 is more restrictive if a proposal is in the AONB is defined as 'major'.
44. There is no definition for whether a proposal is a 'major development'. The NPPF (2019) outlines in footnote 55 that the definition a major development is up to discretion of the decision maker, taking into account its nature, scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Case law also establishes that the NPPF militates against importing the definition of 'major development' in the Development Management Procedure Order but to take a common sense approach. Whilst the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010 SI 2184 is useful in providing some guidance as to the meaning of 'major development' ("the winning and working of minerals or the use of land for mineral working deposits" and also "development carried out on a site having an area of 1 hectare or more"). When taking a common sense approach, Officers consider the development not to constitute as major development for the purposes of the AONB given the size of the proposed workshop. Officers recognise that the workshop would cause some harm to the AONB and AGLV in principle however given the limited size and the need for the workshop to provide a space for the servicing and maintenance of vehicles associated with the restoration of the landfill site, this harm would be mitigated by these factors.
45. Policy MC2 from the SMP2011 states that mineral development that may have direct or indirect significant adverse impacts on an Area of Outstanding Natural Beauty will only be permitted if (i) it has been demonstrated to be in the public interest; and (ii) the applicant can establish that development and restoration can be carried out to the highest standard and in a manner consistent with safeguarding the specific relevant interests. Policy MC14 of the SMP2011 states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. The policy goes on to state that in determining planning application for mineral development, potential impacts relating to noise, dust, illumination, and the natural environment will be considered.
46. Policy 14 from the Surrey Waste Plan 2020 states that planning permission for waste development will be granted where it can be demonstrated that:
  - a) It would be consistent with relevant national planning policy with respect to the following key environmental assets:
    - i. Protected landscapes of the Surrey Hills AONB

- b) It would not result in unacceptable impacts on communities and the environment. The term 'unacceptable impact' should be interpreted in accordance with current national and local planning policy and planning guidance relevant to the following matters:
- i. Public amenity and safety (including noise, dust, fumes, odour, vibration, illumination, public open space and the rights of way network).
  - v. The landscape including impacts on the appearance, quality and character of the landscape and any features that contribute to its distinctiveness, including character areas defined at the national and local levels.
  - vi. The natural environment, including biodiversity and geological conservation interests, including site of local importance (LNR, SNCI, RIGS).
  - viii. Land and soil resources including impacts on their use, quality and integrity and including opportunities for remediation, the need to protect any best and most versatile agricultural land, and the need to address existing and potential contamination and land stability issues.
  - ix. Cumulative impacts arising from the interactions between waste developments, and between waste developments and other forms of development.

47. Policy RE3 from the Waverley Local Plan 2018 Part 1 Strategic Policies and Sites states that new development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located. Part (i) of Policy RE3 outlines that the protection and enhancement of the character and qualities of the Surrey Hills Area of Outstanding Natural Beauty (AONB) that is of national importance will be a priority and will include the application of national planning policies together with the Surrey Hills AONB Management Plan. The setting of the AONB will be protected where development outside its boundaries harm public views from or into the AONB. Part (ii) of Policy RE3 outlines that the same principles for protecting the AONB will apply within an Area of Great Landscape Value (AGLV), which will be retained for its own sake and as a buffer to the AONB, until there is a review of the Surrey Hills AONB boundary, whilst recognising that the protection of the AGLV is commensurate with its status as a local landscape designation. In this respect the setting of the AGLV will be protected.

48. The Surrey Hills AONB Board have produced the Surrey Hills AONB Management Plan 2020 - 2025. Whilst this document does not form part of the Development Plan it is a material consideration in the decision-making process for planning application proposals within the AONB. The Management Plan outlines that the primary purpose of AONB designation is 'to conserve and enhance the natural beauty of the area' in line with Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act). The Management Plan also includes Planning Management Policies. Policy P1 (Planning Management Policies) states that in considering planning applications great weight will be attached to any adverse impact that the development proposal would have on the amenity, landscape and scenic beauty of the AONB and the need for its enhancement. Policy P6 states that development that would spoil the setting of the AONB by harming public views into or from the AONB will be resisted.

*Details Submitted*

49. The applicant has submitted details of the location site within the AONB and AGLV landscape within the Overarching Planning Support Statement v1 dated December 2020.
50. The applicant has identified that there is a need for the ancillary workshop facilities to support the ongoing restoration of the site by 22 February 2042 and ensure that the landscape character is reinstated following the provision of the mineral permission. The

workshop itself is temporary and would be removed by 22 February 2042 or when the permitted extraction, landfilling and restoration operations cease, whichever is sooner. This combined with the well screened location that the workshop is sited in, assist minimises potential detrimental impacts to the environment, landscape and recreational opportunities.

### *Evaluation*

51. Due to the site's location, an assessment as to whether it is appropriate development within the AONB and AGLV, and does not cause significant adverse impacts to the character of the AONB and AGLV, as set out in paragraph 172 of the NPPF, is required.

52. As set out in Paragraph 172 of the NPPF the proposal needs to be considered in terms of the following:

- *The need for the development* – The workshop building provides an indoor space where plant and machinery and vehicles can be services and maintained in the dry. These plant, machinery and vehicles are associated with the day to day operations of Homefield Sandpit, including the restoration of the site. The need for the continued use of the workshop is to provide ancillary support with delivering the restoration of the site to ensure that restoration is delivered efficiently and effectively on site. Officers recognised that the applicant has requested an end date of 2042 for retention of the workshop and this is to align with the restoration date for Homefield Sandpit as stipulated in WA/97/1204 and GU97/1106 (as amended by appeal decision M25/1/39).
- *The scope for developing outside the designated area* – The workshop building provides ancillary facilities to maintain the machinery and plant required to facilitate the ongoing restoration of the site. If the workshop was to be located outside of Homefield Sandpit and the AONB, the ability to repair plant and machinery would be hindered and would require machinery to be taken off site to another location to be maintained. This could cause disruption to local highway network and potential delays to the time taken to restore the site.
- *Detrimental effect on the environment, landscape, and recreational opportunities* – The permission sought is for a temporary period of time for which will support the ongoing restoration activities to be maintained ahead of the extant mineral permission on site until 22 February 2042, after which the workshop building would be removed and the land reinstated. Due to the temporary nature of the development the workshop would not have an irreversible adverse impact to the environment, landscape or recreational opportunities. In addition, the location of the workshop is well screened and at a lower contour level to the surrounding area which also assists with minimising the impact on the environment and the landscape.

53. Policy MC2 of the Surrey Mineral Plan (2011) outlines the test criteria for mineral development within the AONB. Officers have considered the proposal in terms of this criteria as outlined below:

- *Demonstrated to be in the public interest* – The proposal is seeking to support the ongoing restoration of the mineral site, of which is in the public's interest in terms of restoring the site.
- *Establish that the development and restoration can be carried out to the highest standard and in a manner consistent with safeguarding the specific relevant interests*  
- By having the workshop on site it enables the machinery to be maintained and repaired so that they can work as efficiently as possible which will assist in maintaining efficient workings for restoration.



54. The Surrey Hills AONB Office were consulted on the application and stated in their consultation response that given that the site is progressively restored, the temporary landscape impact will diminish in time. In addition, it is recognised that the building is well screened within the Surrey Hills AONB and are located at a low level that cannot be readily seen in the locality. Therefore, in this respect the Surrey Hill AONB Office raise no objection.
55. In terms of meeting the requirements of Policy RE3 from the Waverley Local Plan 2018 Part 1 Strategic Policies and Sites, the proposed workshop seeks to minimise disruption to the landscape by being well screened and being situated at a lower contour level to the surrounding areas. The development will be temporary in nature and provides ancillary facilities to the restoration of the site. In this respect Officers consider that the proposal still seeks to respect the local landscape and contributes to the restoration of the site which will seek to maintain the local landscape designation.
56. Officers are satisfied that there is a need for the retention of the workshop building to assist in providing a covered space for the maintenance and repair of plant and machinery used at Homefield Sandpit in connection with the ongoing restoration of the site and in connection with other plant and machinery used on site. The workshop is well screened so would not be obvious or incongruous in the landscape. Officers accept that the development would have some detrimental effect on the landscape and would not enhance the natural beauty of the AONB during its retention. Nevertheless, given its temporary nature and the limited degree of impact, Officers do not consider that the proposed workshop would have a significant impact on the conservation of the natural beauty of the landscape. In this respect, Officers consider that the applicant has suitably demonstrated the need for the development and there is no suitable alternative solution that exists to provide the required services the workshop offers.

## LANDSCAPE CHARACTER

### *Planning Policy*

57. The Surrey Landscape Character Assessment (LCA) Waverley Borough 2015 is a comprehensive assessment of the landscape character of the county. The application site lies within the Shackleford Open Greensand Hills LCA which is an irregular section of land west of Guildford. The key characteristics of this landscape include; a diverse landscape which is predominately pastoral but with areas of arable farmland, woodland, heathland, golf courses, parkland, nurseries and paddocks and quarry workings. Field pattern of mainly medium to large regular fields with straight boundaries typical of parliamentary enclosure bounded by hedgerows with hedgerow trees or by fences. This landscape character is of a rural, peaceful landscape type.

### *Evaluation*

58. The County Landscape Architect was consulted on the proposal. The County Landscape Architect notes the workshop subject to this application is sited to the north western part of the quarry site, in close proximity to the site entrance. This part of the quarry is recognised to be relatively well-screened by established perimeter vegetation and is not prominent in public views from the surrounding areas. The County Landscape Architect recommends that the perimeter vegetation is maintained (an enhanced where appropriate) to maintain the current screening of the site.
59. The County Landscape Architect (CLA) also acknowledges that whilst the quarry site remains largely unrestored in its character, including the facilities that this application refers



to, it detracts from and is at odds with the prevailing landscape character of the surrounding area, including the AONB. The CLA goes on to comment that this is counterbalanced from a visual amenity perspective by the site's relatively well screened situation. The CLA states that provided that these facilities are ancillary and fundamental to the approved mineral development and ongoing landfilling and restoration of the site, he does not object to the proposal from a landscape perspective. These comments are made in relation to both landscape character and the AONB.

60. Officers recognise the need to provide suitable ancillary facilities to support the ongoing restoration works of the site, and do not consider there to be a suitable alternative solution in providing these ancillary facilities that the workshop provides. In terms of the impact on the landscape character as outlined in the LCA 2015, Officers consider the temporary nature of the workshop to be located on site combined with the provision of good vegetation screening of the workshop from the surrounding areas that the impact on the landscape character is minimised and would not cause detrimental impacts.

## **IMPACT ON RESIDENTIAL AMENITIES**

### **Surrey Minerals Plan 2011 Core Strategy Development Plan Document (DPD) (SMP2011)**

Policy MC14 – Reducing the Adverse Impacts of Mineral Development

Policy MC17 – Restoring Mineral Workings

### **Surrey Waste Plan 2020 Part 1 Policies**

Policy 13 – Sustainable Design

Policy 14 – Protecting Communities and the Environment

### **Waverley Local Plan 2018 Part 1 Strategic Policies and Sites**

Policy D1 – Environmental Implications of Development (Saved 2002 policy)

### *Planning Policy*

61. The National Planning Policy Framework (NPPF) (2019) paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
  - b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
  - e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
62. Paragraph 180 of the NPPF (2019) states that the development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on

health, living conditions and the natural environment, as well as the potential sensitivity of the site of the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>2</sup>.
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

63. Paragraph 205 part (e) of the NPPF (2019) states that when considering proposals for mineral extraction, mineral planning authorities should provide for restoration and aftercare at the earliest opportunity.
64. Policy MC14 of the SMP2011 states that mineral development will be permitted only where a need has been demonstrated and the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impacts arising from the development. The policy goes on to state that in determining planning application for mineral development, potential impacts relating to noise, dust, illumination and the natural environment will be considered. Policy MC17 of the Surrey Minerals Plan 2011 Core Strategy Development Plan Document (DPD) states that restoration of mineral workings should be completed at the earliest opportunity and progressive restoration will be required where appropriate.
65. Policy 13 of the Surrey Waste Plan (2020) Part 1 Policies states that all proposals for waste development should demonstrate that the (i) development is of a scale, form and character appropriate to its location. Policy 14 of the Surrey Waste Plan (2020) Part 1 Policies outline that the development should be consistent with relevant national planning policies in respect to the landscape characteristics and should not result in unacceptable impacts on communities and the environment including impacts on public amenity and safety.
66. Saved Policy D1 from the Waverley Borough Council Local plan (2002) states that the council will have regards to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where it would result in material detriment to the environment by virtue of:
- a) Loss of damage to important environmental assets (including areas of conservation, ecological or landscape value).
  - b) Harm to visual character and distinctiveness of locality, particularly in respect of the design and scale of the development and its relationship to its surroundings.
  - c) Loss of general amenity, including material loss or natural light and privacy enjoyed by neighbours and disturbance resulting from the emission of noise, light or vibration.
  - d) Levels of traffic which are incompatible with the local highway network or cause significant environmental harm by virtue of noise and disturbance.
  - e) Potential pollution of air, land, water, including that arising from light pollution and from the storage and use of hazardous substances.

#### *Details Submitted*

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<sup>2</sup> See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

67. The existing workshop on site measures 25m x 16m (400 square metres (m<sup>2</sup>) of floor space) and 8.46m in height to the ridge. The workshop is made of external plastisol and coated galvanised steel sheets in goosewing grey. The proposal does not include any amendments to the existing workshop in terms of both structure and operational use. The nearest residential property is approximately 25 metres (m) from the workshop, in an elevated position (approximately 5 metres) and the boundary side of the workshop is well screened by vegetation to assist in screening the visual impact from nearby residential properties.

#### *Evaluation*

68. The workshop provides an area to repair on-site plant, machinery and lorries which facilitates effective maintenance and the efficiency of the working and restoration operations at the site. Under cover maintenance is more preferable in amenity terms than if plant and machinery were to be repaired in the open, especially with regards to the noise and dust impacts. The building is fully clad and has a door that can be shut during noisy operations. In addition, the siting of the workshop in a lower contour level from nearby residential properties and the vegetation that surrounds the workshop to the western boundary provides screening that will assist with mitigating visual and noise impacts from the workshop. No further operational works are proposed as part of this application, only works to continue to restore the site. Officers propose that should planning permission be granted, Conditions 3, 4 and 5 of planning permission ref: WA11/0009 dated 7 April 2011 be brought forward to ensure protection to the environment with regards to noise, hours of operation and its use. These conditions outline the following:

- **Condition 3:** The workshop hereby permitted shall be used solely in connection with the repair and maintenance of vehicles, plants and machinery engaged in mineral extraction, landfilling and restoration activities and for no other purpose.
- **Condition 4:** The noise arising from the workshop building hereby permitted when measured at, or recalculated at a point of no less than 3.5m from the façade of any noise sensitive building shall not exceed 50 LAeq (1/2 hour).
- **Condition 5:** The repair and maintenance of vehicles, plant and machinery shall only be carried out within the workshop building between the hours of 0800-1800 Monday to Friday (excluding public holidays) and 0800-1200 hours on Saturdays. This condition shall not prevent the carrying out, with written permission of the County Planning Authority, of urgent repairs to machinery at times other than stated above. No audible sound shall be emitted at any other times.

69. In this respect, Officers are satisfied that the retention of the existing workshop on site for ancillary purposes for the ongoing restoration of the site would not give rise to significant adverse impacts with regards to noise and dust on the local environment and local amenity. Officers propose to impose conditions with regards to noise and operations. In this respect Officers consider that the development accords with the requirements of the Development Plans including saved Policy DC1 from the Waverley Local Plan (2002); Policy 14 of the Surrey Waste Plan (2020) Part 1 Policies and the NPPF (2019).

## **GREEN BELT**

### **Surrey Minerals Plan 2011 Core Strategy Development Plan Document (DPD) (SPD2011)**

Policy MC3 – Spatial Strategy – Mineral Development in Green Belt

Policy MC17 – Restoring Mineral Workings

## Surrey Waste Plan 2020 Part 1 Policies

Policy 9 – Green Belt

## Waverley Local Plan 2018 Part 1 Strategic Policies and Sites

Policy RE2 – Green Belt

### *Planning Policy*

70. The National Planning Policy Framework (NPPF) (2019) paragraph 133 states that great importance is attached to areas of Green Belt, where the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 goes on to outline the 5 purposes that the Green Belt serves including:

- To check the unrestricted sprawl of large built up areas;
- To prevent the neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

71. Paragraph 143 of NPPF (2019) outlines that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other circumstances.

72. NPPF (2019) paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Whilst this includes (a) mineral extraction, this proposal is not for mineral extraction but for the retention of a building. As such Officers do not consider that this proposal would fall within one of the exemptions set out in paragraph 146 of the NPPF.

73. Paragraph 205 states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including the economy. In considering proposals for mineral extraction, minerals planning authorities should (e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.

74. Paragraph 6 of the National Planning Policy for Waste (2014) states that Green Belts have special protection in respect to development, and suitable sites and areas outside of the Green Belt should be sought first. Paragraph 7 goes on to state that landfill sites are restored to beneficial uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

75. Planning Policy MC3 from the SMP2011 outlines that mineral extraction in the Green Belt will only be permitted where the highest environmental standards of operation are maintained and the land restored to beneficial after-uses consistent with Green Belt

objectives within agreed time limits. Proposals in the Green Belt for mineral development other than extraction and primary treatment, will only be permitted where the applicant has demonstrated that very special circumstances exist to outweigh the harm by reasons of its inappropriateness and any other harm.

76. Planning Policy MC17 from the SMP2011 states that a site should be restored and managed to a high standard. Restoration of mineral workings should be completed at the earliest opportunity and progressive restoration will be required where appropriate. The applicant will be expected to agree a scheme with the mineral planning authority detailing how the land will be restored and managed before, during and after working.
77. Planning Policy 9 from the Surrey Waste Plan 2020 Part 1 Policies, states that planning permission will not be granted for inappropriate waste management development in the Green Belt unless it is shown that very special circumstances exist 'Very Special Circumstances' will not exist unless the potential harm caused to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations associated with the proposal, either on their own or in combination.
78. Policy RE2 from the Waverley Local Plan 2018 Part 1 Strategic Policies and Sites, states that certain forms of development are considered to be appropriate in the Green Belt Proposals will be permitted where they do not conflict with the exceptions listed in the national planning policy.

#### *Details Submitted*

79. The applicant has submitted details of a Green Belt Statement within the Overarching Planning Support Statement v1 dated December 2020. The application site for the workshop for ancillary purposes has previously been deemed acceptable under planning permission WA11/0009.
80. The applicant has identified that mineral extraction is not considered inappropriate in the Green Belt provided the development preserves its openness and does not conflict with the purposes of including land within it. However, as outlined above, this proposal is not for extraction of minerals or primary processing, therefore, in accordance with Policy MC3, the proposal should only be permitted where very special circumstances have been demonstrated which outweighs the harm by virtue of its inappropriateness, openness and any other harm. The proposal to retain the existing workshop does not seek to generate new capacity of operations on site but seeks to sustain existing capacity to support the restoration of the site connected to the life of the Homefield minerals permission and outstanding restoration conditions.
81. The applicant outlines that very special circumstances associated with this application include;
- *The need to restore the site* – the workshop is identified as an ancillary component in supporting the ongoing landfilling and restoration of the site. The restoration of which is linked to the existing mineral consent of WA/97/1204 and GU97/1106 dated 1997 (as amended by appeal decision M25/1/39), with restoration of the site to be completed by 22 February 2042. Without the siting of the workshop at Homefield there is no provision on site to support the repairing of the onsite plant, machinery and lorries which would prevent the ability to restore the site.
  - *Location of the workshop in relation to the restoration of the site* – it would be inefficient to locate the workshop outside of Homefield Sandpit, there are no other suitable sites that are non-Green Belt identified to locate the ancillary facilities that the workshop provides.

- *Impact on openness and visual amenities is temporary* – Recognised that the site is to be restored by 22 February 2042, and with the established vegetation that screens the site the impact on the landscape is minimised.

### Evaluation

82. In assessing the proposal against the context of the Green Belt, an assessment of what the harm to the Green Belt for this proposal in terms of the harm itself, openness, and whether the very special circumstances presented outweigh this harm and any other harm.
83. The retention of the existing workshop on site is for ancillary purposes to support the site and would only be used in connection with the repair and maintenance of machinery from the site. Officers recognise that the proposal would encroach on the openness of the Green Belt by virtue of the structure proposed and its existence. However, there is no proposal to increase its size and it would be temporary in nature of the operation. The location of the workshop is well screened by trees in a lower contour level to the surrounding area. The proposal does not propose to increase in height or size of the existing structures, and therefore would not further impact the visual amenity and character of the Green Belt.
84. With regards to other harm to the Green Belt, Officers are satisfied that noise, dust and lighting would be controlled by condition. There would be no traffic implications experienced as there is no proposed increase to operations, and the workshop allows for machinery to be dealt with on site.
85. With regards to the other purposes of including land in the Green Belt, Officers consider the proposal would not cause sprawl of large built up areas, would not cause neighbouring towns to merge into one another, would not impact on the setting or special character of historic towns, and has no impact on influencing urban regeneration. Consequently, Officers concur that the proposal does not conflict with these purposes of the Green Belt. With regard to permanence, Officers consider that as the proposal is for a temporary period the proposal would not result in a permanent loss of the qualities of the land to which it is designated for Green Belt. Given the site would be restored to a use compatible with the Green Belt, Officers consider the proposal would not impact on a loss of permanence in the Green Belt.
86. The proposal for the continued use of the workshop is to align with the permission of the final restoration of the site until 22 February 2042, or until the permitted extraction, landfilling and restoration operations cease whichever is sooner, with the land restored. The principle of development for onsite recycling facilities and the restoration of the site is already established at this Green Belt site under the parent permissions and refs: WA04/1876 and WA09/0856. This planning application does not include the erection of any new buildings or structures, or changes to that currently existing on the site under the extant permission ref: WA/97/1204 and GU97/1106 (as amended by appeal decision M25/1/39). The applicant has identified that there is an ancillary need for the workshop to support the ongoing restoration of the site.
87. Officers note that the applicant has provided factors to amount to very special circumstances. Officers are satisfied that these factors, when taken together, constitute very special circumstances that clearly outweigh the harm to the openness to the Green Belt and any other harm such that an exception to the Green Belt policy can be made. The factors include: the need to provide suitable ancillary facilities to support the ongoing restoration of the site ahead of 2042 and the suitability of having these ancillary facilities located on the existing site within an area that is well screened to assist in protecting the openness to the Green Belt. Officers consider that the workshop is wholly ancillary and necessary to the permitted use.



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## Human Rights Implications

88. The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
89. In the case of this application it is recognised that the retention of the workshop would have a slight adverse impact particularly in terms of the AONB and this is also discussed in the report. Nevertheless, it is the Officers view that the scale of any potential impacts are not considered sufficient to engage Article 8 or Article 1 and that potential impacts of the development can be mitigated by planning conditions. As such, this proposal is not considered to interfere with any Convention right.

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## Conclusion

90. The purpose of this planning application is to seek an extension of time to retain the workshop on site until the 22 February 2042, or until the permitted extraction, landfilling and restoration operations cease whichever is sooner, with the land then being restored. The workshop allows for plant and machinery used at Homefield Sandpit to be retained and maintained inside it rather than them being transported off site. The use of the workshop is ancillary to the existing activities at Homefield Sandpit and cannot be reasonably located elsewhere. The workshop is well screened with the overall Homefield Sandpit and is not considered to result in adverse impact with regards to noise, dust, lighting or residential amenity.
91. The application site is within the AONB and AGLV and although the application site is well screened and is not obvious in the landscape, its retention would have some impact on this landscape. However, given the application site is set at a lower level and the temporary time of the workshop would be on site, and the wholly reversible nature and the provision of restoration. Officers do not consider that the proposal would cause unacceptable or permanent harm and accordingly Officers consider the impact on the AONB is minor adverse. Officers are satisfied there is a need for retention of the workshop to provide the necessary ancillary operations for the site. Officers therefore conclude that the proposal meets national and Development Plan policy with regards to the AONB.
92. Officers consider that the proposal is inappropriate development in the Green Belt as it is not for mineral extraction or primary processing, and also allows for plant and machinery associated with the waste activities to be repaired within it. As such factors should be advanced to demonstrate that there are very special circumstances to outweigh the harm caused by reason of inappropriateness and any other harm. Officers are satisfied that the workshop is necessary and ancillary to the activities being carried out at Homefield Sandpit; and are satisfied that its retention on site until 2042 or earlier is also necessary given this is the date set out for which the site should be restored by. Plant and machinery would be required until that date to facilitate the restoration of Homefield Sandpit and such plant and machinery would require maintenance/repair operations. Given this need, the workshop's location within the site and its temporary nature, Officers consider the application demonstrates there are factors that clearly outweigh the harm to the Green Belt by virtue of its inappropriateness and any other harm including the impact on the AONB identified above.

## Recommendation

93. The recommendation is to PERMIT planning permission WA/2021/0004 subject to the following conditions.

### Conditions:

1. The development hereby approved shall be carried out in all respects strictly in accordance with the following plans/drawings:

- HF/WKS/1 rev A Site Location Plan Workshop dated 10 November 2020
- HF/WKS/2 rev A Site Plan Workshop dated 10 November 2020

No variations and/or omissions shall take place without prior written approval of the County Planning Authority.

2. This permission shall be for a limited period expiring on 22 February 2042 or until the permitted extraction, landfilling and restoration operations cease whichever is sooner. At that time the use of the building as a workshop shall cease and the building shall be removed from the site, and the land restored in accordance with the approved restoration scheme for the site.
3. The workshop hereby permitted shall be used solely in connection with the repair and maintenance of vehicles, plant and machinery engaged in mineral extraction, landfilling and restoration activities on site and for no other purpose.
4. The noise arising from the use of the workshop building hereby permitted when measured at, or recalculated at a point no less than 3.5m from the facade of any noise sensitive building shall not exceed 50 LAeq (1/2 hour).
5. The repair and maintenance of vehicles, plant and machinery shall only be carried out within the workshop building and between the hours of 0800-1800 Monday to Friday (excluding public, bank and national holidays) and 0800-1200 hours on Saturdays. This condition shall not prevent the carrying out, with the written permission of the County Planning Authority, of urgent repairs to machinery at times other than stated above. No audible sound shall be emitted at any other times.

#### **Reasons:**

1. For the avoidance of doubt and in the interest of proper planning.
2. To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Policies MC2 and MC17 from the Surrey Minerals Plan (2011) Core strategy and Policy 14 of the Surrey Waste Plan 2020.
3. To enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Policy MC17 of the Surrey Mineral Plan 2011 Core Strategy Development Plan Document; Policies 13 and 14 of the Surrey Waste Plan 2020 Part 1 Policies; and Saved Policy D1 of the Waverley Local Plan 2002.
4. To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Policies MC2 and MC17 from the Surrey Minerals Plan (2011) Core strategy and Policy 14 of the Surrey Waste Plan 2020.
5. To enable the County Planning Authority to exercise control over the site for the development hereby permitted in accordance with Policies MC2 and MC17 from the Surrey Minerals Plan (2011) Core strategy and Policy 14 of the Surrey Waste Plan 2020.

#### **Informatives:**

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance. Further, the County Planning Authority has: identified all material considerations; considered representations from interested parties; and determined the application within the timeframe agreed with the applicant. The applicant has also been given advance sight of the draft planning

conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2019.

## **Town and Country Planning Act 1990 – guidance on the determination of planning applications**

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to [National Planning Policy Framework](#) (NPPF) was updated in February 2019. This revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) [waste; traveller sites; planning for schools development; sustainable drainage systems; parking and Starter Homes.](#)

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 213 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

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## **Human Rights Act 1998**

### **Guidance For Interpretation**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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### Contact Jessica Darvill

Tel. no. 020 8541 8095

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### Background papers

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

### Other documents

The following were also referred to in the preparation of this report:

#### Government Guidance

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

#### The Development Plan

[Surrey Waste Local Plan 2019-2033](#)

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

District/borough council development plan documents

[Waverley Local plan 2018 Part 1 Strategic Policies and Sites](#)

[Waverley Local Plan 2002 \(Saved Policies\)](#)

## **Other Documents**

[Surrey AONB Management Plan 2020-2025](#)

[Noise Policy Statement for England \(NPSE\) 2010](#)

[Surrey Landscape Character Assessment Waverley Borough 2015](#)

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